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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 12TH DAY OF JANUARY 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.37308/1997

BETWEEN:

Dnyaneshwar Honnaiah Pukalwar,
Age: Major,
S/o. Honnaiah Pukalwar,
R/o. Aurad, Aurad Taluk,
Bidar District.

...PETITIONER

(By Sri Ravi B.Naik, Adv.)

AND:

1. State of Karnataka
Represented by its
Secretary,
Department of Rural
Development and Panchayat Raj,
Multistoreied Building,
Bangalore .
2. Deputy Commissioner,
Bidar District,
Bidar .
3. The Executive Officer,
Aurad Taluk Panchayat,
Aurad,
Bidar District.

...RESPONDENTS

(By Sri A.Nagarajappa, Adv.)

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This writ petition is filed under article 226 of the Constitution of India with a prayer to declare that the petitioner is a member of Aurad Taluk Panchayat Bidar District and continues to be a

member of Aurad Taluk Panchayat till completion of term of his office holding that amended section 302 Karnataka Panchayat Raj Act is not applicable to sitting members of taluk Panchayat file the completion of their term of office.

This writ petition coming on for preliminary hearing this day the Court made the following:-

ORDER

The petitioner in this writ petition has sought for a declaration that he continued to be the Member of the Aurad Taluk Panchayat, Bidar District, on the ground that some of the voters who were included in the constituency where he was elected to the Taluk Panchayat continued to be included in the Taluk Panchayat.

2. The petitioner was elected as a Member of the taluk Panchayat from Aurad constituency. In respect of the Aurad constituency a notification was issued u/s.349 read with Section 9 of the Karnataka Panchayat Raj Act declaring the said area as a transitional area. If that is so, the consequence[✓] of such declaration results in taking away the Membership of the Taluk Panchayat of the petitioner by virtue of¹ Section 302(a) of Act 10/97 (Amended Act of Karnataka Zilla Panchayat Act). In view of this, the declaration sought for in this writ petition cannot be given.

3. Learned counsel for the petitioner further submitted that some of the voters who were included in the Aurad constituency continued to be the ^{voters} ~~part~~ of the part of the Taluk Panchayat. If that is so, the Government may take appropriate steps ^{to continue the area} ~~to include that area~~ ^{to include} ~~either~~ with the Aurad Taluk Panchayat or ~~under~~ ^{with} the Town Panchayath. Accordingly, this writ petition is rejected.

Sd/-
JUDGE

G/160198

